

The Honorable ROBERT J. BRYAN

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

BRUCE A. RICE,

Plaintiff,

v.

STATE FARM MUTUAL AUTOMOBILE
INSURANCE COMPANY, and ROB KLINE,

Defendants.

No. C05-5595 RJB

ORDER ON CR 37 JOINT SUBMISSION
RE: INTERROGATORIES NOS. 3, 4, 5,
AND 6, AND REQUESTS FOR
PRODUCTION NOS. 3 AND 4

This matter comes before the court on the parties' CR 37 Joint Submission Re: Interrogatories Nos. 3, 4, 5, and 6, and Requests for Production Nos. 3 and 4. The court has considered the parties' statements and arguments therein, and now makes the following Order:

1. Within ten (10) days of entry of this Order, State Farm shall produce to plaintiff the documents responsive to Interrogatories Nos. 3, 4, 5, and 6, and Requests for Production Nos. 3 and 4 in Plaintiff's First Interrogatories and Requests for Production to Defendant which State Farm has asserted to be confidential and which State Farm has designated RIC 00554 to 00643.

2. Within ten (10) days of entry of this Order, State Farm shall produce to plaintiff the documents responsive to Request for Production No. 11 in Plaintiff's Second Interrogatories

1 and Requests for Production of Documents which State Farm has asserted to be confidential and
2 which State Farm has designated RIC 00676 to 001697.

3 3. Production of the documents herein described shall be subject to the following
4 conditions if marked ("☒"):

5 **X** **No Dissemination.** Bruce A. Rice and William C. Smart, as counsel for Bruce A.
6 Rice, agree not to divulge, permit access to, or disseminate the confidential documents produced
7 by State Farm to any individuals or entities, except persons or individuals connected to or
8 providing services in connection with the prosecution of this litigation. Bruce A. Rice is allowed
9 to have the confidential documents reviewed and analyzed by attorneys, expert witnesses and/or
10 consultants, providing services relating to this litigation, provided such attorneys, expert
11 witnesses and/or consultants agree to return any confidential documents provided to them (and
12 all copies thereof) to William C. Smart at the conclusion of this matter, including any appeals.
13 Any attorneys, expert witnesses and/or consultants who obtain confidential documents shall
14 certify in writing to William C. Smart that they have reviewed this Order and agree to be bound
15 by its terms.

16 **X** **Possession of Documents by Third Parties.** William C. Smart, counsel for
17 Bruce A. Rice, will be the custodian of the confidential documents produced, and shall not grant
18 possession of the confidential documents to any other person or entity, except as expressly
19 authorized by the terms of this Order. Counsel for Bruce A. Rice may permit other persons or
20 entities to possess and to view the confidential documents as follows:

21 a) Any attorneys, associates, law clerks, paralegals, or secretaries at the law
22 firm of William C. Smart, or any law firm associated with William C. Smart to act as counsel on
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1 this matter, who are actively engaged in the conduct of this litigation or performing tasks
2 associated therewith.

3 b) Parties, deposition and trial witnesses may view the confidential
4 documents.

5 c) Experts or consultants involved in or performing services related to this
6 litigation.

7 d) Court officials involved in this litigation, including, but not limited to,
8 court reporters, persons monitoring video equipment at depositions, any special masters or
9 discovery referees, judges, magistrates, associate attorneys, or law clerks.

10 e) Any person designated by the court in the interest of justice, upon such
11 terms as the court may deem proper.

12 Whenever the confidential documents are viewed or provided to any person, attorney, expert
13 witness and/or consultant identified above, other than court personnel, William C. Smart shall
14 require that such attorney, expert witness and/or consultant certify in writing that they have
15 reviewed this Order and agree to be bound by its terms.

16 **X Return of Confidential Documents at Conclusion of Case.** Any and all third
17 parties to whom confidential documents have been provided in the course of this matter,
18 including attorneys, expert witnesses and/or consultants, shall, upon request at the conclusion of
19 this matter and any appeals therefrom, return to William C. Smart all confidential documents that
20 they have been provided, including any copies of such confidential documents, to William C.
21 Smart. At the conclusion of this matter and all appeals therefrom, William C. Smart shall take
22 reasonable steps to ensure that all attorneys, expert witnesses and/or consultants return all
23 confidential documents and copies of such confidential documents to him. William C. Smart
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1 may then either: (1) destroy all such confidential documents and copies of such confidential
2 documents and certify by letter to State Farm's counsel of record, Scott C. Wakefield, that the
3 confidential documents and copies of such confidential documents have been destroyed; or
4 (2) forward all confidential documents and copies of such confidential documents returned by
5 plaintiff's attorneys, expert witnesses and/or consultants to Scott C. Wakefield.
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7 **X Documents Submitted to the Court.** Parties may request that motions or other
8 documents filed with the court, if any, which include as an exhibit or specifically quote the
9 contents of the confidential documents produced, be filed under seal in accordance with CR 5(g).

10 **X Violation of Order.** Upon an alleged violation of this Order, the court on its own
11 motion or on the motion of any party, may grant relief as it deems appropriate in law or equity.
12 Should any provision of this Order be stricken or held invalid by a court of competent
13 jurisdiction, all remaining provisions shall remain in full force and effect.
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15 IT IS SO ORDERED.

16 Dated this 14th day of February, 2006.
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